

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

UNITED STATES OF AMERICA)	Case No. 5:99-CR59-01-V
)	
v.)	
)	
Harry Baptiste,)	
Defendant)	

**ORDER TO REDUCE TERM
OF IMPRISONMENT TO TIME SERVED**

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Harry Baptiste, to time served and commencement of the six-year term of supervised release previously imposed. The Court finds:

1. Harry Baptiste was found guilty of violating 21 U.S.C. § 846, Conspiracy to Possess with Intent to Distribute, a Quantity of Cocaine, and Cocaine Base, Schedule II Controlled Substances, and 21 U.S.C. § 841(a)(1), and 18 U.S.C. § 2, Possessing with Intent to Distribute, a Quantity of Cocaine and Cocaine Base, Schedule II Controlled Substances, and Aiding and Abetting. He was sentenced on November 7, 2000, to a 360-month term of imprisonment, followed by a six-year term of supervised release.

2. Mr. Baptiste, age 48, has now served 174 months of his prison sentence (48.5% of the term). His Good Conduct Release Date is January 17, 2026. He is currently incarcerated in the Federal Medical Center, Rochester, Minnesota.

3. Mr. Baptiste suffers from rheumatoid arthritis and fibrotic nonspecific interstitial pneumonia, caused by rheumatoid arthritis. He requires continuous oxygen. Recent pulmonary testing revealed an advanced disease, which is progressive, and will result in severe disability or death without a lung transplant. Mr. Baptiste's life expectancy is indeterminate at this time. While he is able to perform his activities of daily living, he has some significant limitations due to exertional dyspnea and hypoxia. These limitations are to the point that he could not live independently without some form of assistance.

4. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the Court, upon motion of the Director of the Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this Court agrees, that the defendant's debilitated status constitutes extraordinary and compelling reasons that warrant the requested reduction.

IT IS THEREFORE ORDERED that the defendant's term of imprisonment is hereby reduced to the time he has already served.

IT IS FURTHER ORDERED that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as the release plan is implemented, and travel arrangements can be made.

IT IS FURTHER ORDERED that upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving the six-year term of supervised release previously imposed.

Signed: August 11, 2014

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

